

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

PATRICK MINOR,

Plaintiff,

v.

Case No. SA-20-CV-01270-JKP-RBF

WILLIAM SIMMONS,

BENJAMIN MAYO,

Defendants.

**ORDER ACCEPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Before the Court is Magistrate Judge Richard B. Farrer's Report and Recommendation. *ECF No. 8*. The Magistrate Judge recommends this Court dismiss this action for Plaintiff Patrick Minor's failure to state a non-frivolous claim for relief pursuant to 28 U.S.C. § 1915(e)(2)(B). No party filed any objection to Magistrate Judge Farrer's Report and Recommendation, and the time for doing so expired.

Any party who seeks review of all or a portion of a Magistrate Judge's Report and Recommendation must serve and file specific written objections within fourteen days after being served with a copy. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(2). If a party does not timely object to all or a portion of a Magistrate Judge's Report and Recommendation, the District Court will review the unobjected-to proposed findings and recommendations to determine whether they are clearly erroneous or contrary to law. *Johnson v. Sw. Research Inst.*, 210 F. Supp. 3d 863, 864


(W.D. Tex. 2016)(citing *U.S. v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.)(per curiam), *cert. denied*, 492 U.S. 918 (1989)).¹

Court records reflect Magistrate Judge Farrer issued the Report and Recommendation on January 22, 2021, and Minor was served on January 29, 2021. *ECF Nos. 8,9,10*. Minor did not file objections or a Motion for Extension of Time by the deadline of February 12, 2021.

Consistent with § 636(b)(1)(C) and Fed. R. Civ. P. 72(b)(2), the Court reviewed the subject Report and Recommendation entered by Magistrate Judge Richard B. Farrer for clear error on the face of the record. This Court finds no such error. Accordingly, the Court **ACCEPTS** Magistrate Judge Richard B. Farrer's findings and recommendation and **ADOPTS** the Report and Recommendation. As recommended, the Court **DISMISSES** this action pursuant to 28 U.S.C. § 1915(e)(2)(B) for lack of jurisdiction and for Plaintiff's failure to state a non-frivolous claim or any claim on which relief may be granted.

It is so ORDERED.

SIGNED this 19th day of February, 2021.



JASON PULLIAM
UNITED STATES DISTRICT JUDGE

¹ While Federal Rule 72(b) does not facially require any review in the absence of a specific objection, the advisory committee notes following its adoption in 1983 state: "When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Further, failure to object shall also bar appellate review of those portions of the Magistrate Judge's Report and Recommendation that were ultimately accepted by the district court, unless the party demonstrates plain error. *Thomas v. Arn*, 474 U.S. 140, 150–53 (1985); *United States v. Wilson*, 864 F.2d at 1221.